

ARDC



Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

December 11, 2000

Mr. Wayne Pierre, Team Leader
Environmental Cleanup Office
U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101

SUBJECT: Good Cause for Extending the Enforceable Milestone for the Operable Unit 1-07B Draft Record of Decision Amendment (EM-ER-233)

Dear Mr. Pierre:

DOE previously requested that the enforceable milestone for submitting the draft Operable Unit 1-07B Record of Decision Amendment be extended from February 2001 to May 2001. The request was made per Section 13.1 of the Federal Facilities Agreement and Consent Order. (FFA/CO). The DEQ has granted DOE's request but EPA has requested more information on the good cause for the extension. The purpose of this letter is to further explain DOE's good cause for requesting the extension.

Submittal of the draft ROD Amendment was originally scheduled for February 2001. In order to meet that milestone, the Proposed Plan, public meetings, and the public comment period were scheduled for late August/early September 2000. Based on earlier agreement, agency concurrence on the Proposed Plan was scheduled for July 3, 2000. IDEQ, however, did not concur with language in the Final Proposed Plan that would have waived the Underground Injection Control regulations prohibiting injecting radionuclides above Maximum Contaminant Levels.

The waiver and associated language in the Proposed Plan were needed as a contingency in the unlikely event that radionuclides from the hot spot migrated to the New Pump and Treat Facility extraction wells. Two OU 1-07B pump and treat units with similar radionuclide issues have been approved by the agencies and are currently operating. These two treatment units are operating as part of the original clean up strategy documented in the 1995 ROD and the 1996 Explanation of Significant Differences. Hence, the IDEQ's non-concurrence on radionuclide reinjection was not expected.

Verbal notification of IDEQ's nonconcurrence was received on August 23, 2000. Formal notification was received on September 20, 2000. As a result, the schedule for completing the Proposed Plan and the associated public comment period were delayed.

During the delay, numerous conference calls and communications took place in an effort to resolve the issue. A letter was received from EPA on September 15, 2000 that proposed building an infiltration gallery to dispose of radionuclide contaminated water. DOE did not concur with the proposal because there is a DOE Order that prohibits discharges of radionuclides to the soil column. Several other options for reinjecting radionuclides at the NPTF were discussed over the next few weeks.

Discussion continued until October 26, 2000, when the agencies decided to remove the language from the Proposed Plan. Instead, reinjection will be done in accordance with the existing Underground Injection Control regulations. Groundwater monitoring will track any radionuclide migration from the hot spot. If radionuclides migrate to the NPTF extraction wells, water will be removed from wells located further downgradient, ahead of the radionuclides, and will thus avoid violating the UIC regulations for reinjected water. This will provide approximately one year to develop a contingency remedy that would be documented in a future Explanation of Significant Differences.

Final concurrence on the Proposed Plan was received on November 7, 2000. This concurrence was received approximately 17 weeks after the original schedule. Because of the delayed concurrence, the Proposed Plan was transmitted to the public 16 weeks later than originally scheduled. The schedule was delayed an additional week to avoid starting the public comment period during Thanksgiving weekend. The length of the requested schedule extension is 12 weeks—from February 2000 to May 2000. During the 12 week extension, the responsiveness summary and the draft ROD Amendment will be prepared.

If you have any questions regarding this issue please contact Mark Shaw at (208) 526-6442.

Sincerely,



Kathleen E. Hain, Manager
Environmental Restoration Program

cc: D. Nygard, DEQ, 1410 N. Hilton, Boise, ID 83706
M. Jeffers, DEQ, 1410 N. Hilton, Boise, ID 83706